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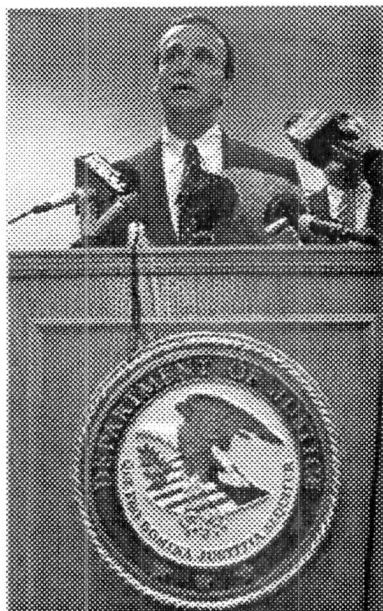
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Former Prosecutor Says Departure Was Pressured

By ERIC LICHTBLAU
 Published: March 6, 2007

WASHINGTON, March 5 — The former federal prosecutor in Maryland said Monday that he was forced out in early 2005 because of political pressure stemming from public corruption investigations involving associates of the state's governor, a Republican.



Gail Burton/Associated Press
 Thomas M. DiBiagio, former United States attorney for Maryland, in 2002

"There was direct pressure not to pursue these investigations," said the former prosecutor, Thomas M. DiBiagio. "The practical impact was to intimidate my office and shut down the investigations."

Mr. DiBiagio, a controversial figure who clashed with a number of Maryland politicians, had never publicly discussed the reasons behind his departure. But he agreed to an interview with The New York Times because he said he was concerned about what he saw as similarities with the recent firings of eight United States attorneys.

As in those cases, there are conflicting accounts of the circumstances that led to Mr. DiBiagio's ouster. The Justice Department disputes his version.

His office had been looking into whether associates of Gov. Robert L. Ehrlich Jr. had improperly funneled money

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from gambling interests to promote legalized slot machines in Maryland. Mr. DiBiagio said that several prominent Maryland Republicans had pressed him to back away from the inquiries and that one conversation had so troubled him that he reported it to an F.B.I. official as a threat.

But he said that the Justice Department had offered little support and that that made it "impossible for me to stay."

Several current and former officials in the Baltimore office said Mr. DiBiagio voiced concerns in 2004 that the corruption inquiries were jeopardizing his career, a view that they shared.

The Justice Department rejected Mr. DiBiagio's explanation. An official in the department, David Margolis, said he told Mr. DiBiagio in 2004 that he had to leave because "we had lost confidence in him."

Mr. Margolis said the prosecutor's harsh management style had caused resentments in the office that ran "wide and deep" and called "an absolute fairy tale" the idea that Mr. DiBiagio's departure was tied to the gambling case or any other investigation.

Mr. Ehrlich, who was defeated for re-election in November, denied any involvement in Mr. DiBiagio's departure and said there was nothing to the gambling investigations.

Like Mr. DiBiagio, several of the newly departing prosecutors were overseeing sensitive political corruption investigations when they left office.

The controversy over the dismissals continued to grow on Monday, as the head of the Justice Department office that oversees prosecutors stepped down, a watchdog group filed an ethics complaint, and House and Senate committees prepared for testimony on Tuesday from some of the ousted prosecutors.

Because Mr. Ehrlich was the sole statewide Republican in Maryland at the time of Mr. DiBiagio's appointment in 2001, he had a critical role in recommending him to the White House for the position.

Mr. DiBiagio, a former assistant prosecutor, was a political unknown, but he and the governor had become friends as young lawyers in Maryland. The bond disintegrated soon after the prosecutor took office.

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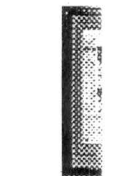
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Mr. Ehrlich and his advisers acknowledged on Monday that they were unhappy with Mr. DiBiagio's handling of an earlier corruption investigation that led to the indictment in 2003 of Mr. Ehrlich's state police superintendent, Edward R. Norris, over his misuse of police money.

The gambling investigation caused less concern in the governor's office because officials there considered it without merit, Mr. Ehrlich said. But because of lingering suspicions in Maryland political circles that Mr. Ehrlich's people had a hand in Mr. DiBiagio's departure in early 2005, a longtime aide to the governor, Jervis Finney, called Mr. DiBiagio a few months ago to deny any involvement, Mr. Finney said.

Mr. Finney said in an interview Monday that he wanted to "clean things up" and to let Mr. DiBiagio know that "neither Gov. Bob Ehrlich or his representatives had asked the Department of Justice to push him out."

Mr. DiBiagio said he did not accept the explanation.

"I believe it was that investigation that played an integral role in what was done to me," Mr. DiBiagio, now at a law firm here, said about the gambling inquiries. "I clearly got the message that I had alienated my political sponsor and I would not have any political support to stay another term. Clearly, they wanted me to leave."

Mr. DiBiagio pointed to tense conversations in 2003 and 2004 with advisers to the governor who, he said, intimated that the corruption investigations could derail his career. He would not name them publicly.

The former prosecutor said he was particularly troubled by one visit in June 2004 in which, he said, a lawyer allied with the governor said the gambling inquiries were disrupting legislative consideration of the slots question and should be shut down.

Mr. DiBiagio said the lawyer inquired about his political future, asked whether he was interested in being a judge and suggested that his life could be closely scrutinized.

Mr. DiBiagio said he described the conversation in a memorandum for his records and reported it to an official of the Federal Bureau of Investigation in Baltimore as a possible threat.

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Soon after the meeting, Mr. DiBiagio told a Justice Department official in Washington about his office's gambling investigation and said, "Powerful politicians and businessmen are very upset that we are looking into this matter," according to an e-mail message that The Times reviewed.

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In the gambling investigation, prosecutors secured a grand jury subpoena for the records of Mr. Ehrlich's communications director, Paul E. Schurick.

Investigators were said to be interested in tracing substantial payments made by a gambling company to a political marketing business in Maryland with ties to Maryland Republicans, people involved in the issue said.

Mr. Ehrlich said Monday that he had no knowledge of any improper transactions to support the slots initiative, and he said the investigation was unfounded.

"I've been for slots for 20 years," he said. "It wasn't any shock that I was for slots. There wasn't anything to this."

The investigation appears to have ended after Mr. DiBiagio left office in January 2005.

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In Maryland law enforcement circles, Mr. DiBiagio had as many detractors as supporters. The Justice Department publicly rebuked him in mid-2004 over a leaked memorandum that spoke of his desire to bring three "front page" corruption cases before November, a memorandum widely interpreted in Baltimore as an effort to pursue Democrats.

In response, the department said all public corruption cases in Maryland would have to obtain approval by superiors in Washington. Soon, the department initiated an unscheduled performance review of Mr. DiBiagio. Mr. Margolis said the review had shown deep resentment over the prosecutor's aggressive management.

Several officials in the Baltimore prosecutor's office said that although Mr. DiBiagio had been an unpopular manager, the timing of the events leading to his departure appeared to be linked, at least partly, to the corruption investigations.

"We had several investigations that were very sensitive publicly, and what did him in was the probes into prominent Republicans," said a former official involved in the inquiries who insisted on anonymity.

The state's attorney in Baltimore, Patricia C. Jessamy, who worked often with Mr. DiBiagio, said she believed that he had alienated too many important people to succeed.

"He was a good prosecutor," she said. "But he did not play politics well, and that was his downfall."

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